



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2825/P1

BEM:cjs:pg

TODAY
if possible

10-7-05
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

inserts

Revisor's bill
Do Not Gen cat
Do Not Sort

- 1 AN ACT relating to: repealing, consolidating, renumbering, amending, and
2 revising various provisions of the statutes for the purpose of correcting errors,
3 supplying omissions, correcting and clarifying references, eliminating defects,
4 anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling
5 conflicts, and repelling unintended repeals (Revisor's Correction Bill).

before

Analysis by the Legislative Reference Bureau

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. In accordance with a change in drafting style,

Commas ~~at the~~ the last item in a series are added throughout this bill. ~~Which~~ is replaced by "that" where grammatically correct.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

***NOTE: I am having drafters review a few sections of the bill. If they suggest any changes I will let you know on the /P2 version — or by e-mail if that works out to be quicker. CJS

ON
***NOTE: Should the analysis include mention of serial commas and the change from "which" to "that"? These changes have been made in some places without any comment in the revisor's notes. CJS Yes

6 SECTION 1. 6.47 (5) (a) 1. of the statutes is amended to read:

1 6.47 (5) (a) 1. The clerk receives notification from a sheriff or chief of police
2 under sub. ~~(8)~~ (10).

NOTE: There is no notification procedure under s. 6.47 (8). Section 6.47 (10) provides for notice from a sheriff or chief of police to a municipal clerk.

3 ~~SECTION 2.~~ 6.97 (2) of the statutes is amended to read:

4 6.97 (2) Whenever any individual who votes by absentee ballot is required to
5 provide identification in order to be permitted to vote and does not provide the
6 required identification, the inspectors shall write on the back of the absentee ballot
7 the serial number of the individual corresponding to the number kept at the election
8 on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The
9 inspectors shall indicate on the list the fact that the individual is required to ~~provided~~
10 provide identification but did not do so. The inspectors shall promptly notify the
11 municipal clerk or executive director of the municipal board of election
12 commissioners of the name, address, and serial number of the individual. The
13 inspectors shall then place the ballot inside an envelope on which the name and
14 serial number of the elector is entered and shall place the envelope in a separate
15 carrier envelope.

NOTE: Corrects spelling.

16 ~~SECTION 3.~~ 6.97 (4) of the statutes is amended to read:

17 6.97 (4) Whenever a board of canvassers receives timely notification from the
18 municipal clerk or executive director of the board of election commissioners under
19 sub. (3) that an individual who has voted under this section is qualified to vote in the
20 ward or election district where the individual's ballot is cast, the board of ~~canvassers~~
21 canvassers shall promptly reconvene and, if the ballot cast by the individual is
22 otherwise valid, shall count the ballot and adjust the statements, certifications and
23 determinations accordingly. If the municipal clerk or executive director transmits

1 returns of the election to the county clerk or board of election commissioners, the
2 municipal clerk or executive director shall transmit to the county clerk or board of
3 election commissioners a copy of the amended returns together with all additional
4 ballots counted by each board of canvassers.

NOTE: Corrects spelling.

5 **SECTION 4.** 8.05 (3) (f) of the statutes is amended to read:

6 8.05 (3) (f) The ballot used for the referendum question shall be arranged under
7 s. 5.60 (7) and shall ask: "Shall all candidates in the town of for elective town
8 offices be nominated at a nonpartisan primary"??"

NOTE: Corrects punctuation. The change has been made in the printed volumes.

→  *****NOTE: I made a technical change. CJS**

9 **SECTION 5.** Chapter 9 (title) of the statutes is amended to read:

10 **CHAPTER 9**

11 **POST-ELECTION POST-ELECTION ACTIONS; DIRECT LEGISLATION**

NOTE: Corrects spelling. The change has been made in the printed volumes.

12 **SECTION 6.** 13.48 (21) (b) of the statutes is amended to read:

13 13.48 (21) (b) If the state does not wish to exercise the option, and if the building
14 is sold to any third 3rd party, such agreement shall provide that the state has the
15 right to receive an amount equal to construction grant from the net proceeds of any
16 such sale after the mortgage has been satisfied and all other secured debts have been
17 paid. This right shall be paramount to the right of the college to the proceeds upon
18 such sale.

NOTE: Makes spelling consistent with current style and the majority of statutes.

19 **SECTION 7.** 15.07 (2) (L) of the statutes is amended to read:

1 15.07 (2) (L) The governor shall serve as chairperson of the information
2 technology management board and the the secretary of administration or his or her
3 designee shall serve as secretary of that board.

NOTE: Deletes repeated word.

4 **SECTION 8.** 15.105 (23) (b) (intro.) of the statutes is amended to read:

5 15.105 (23) (b) (intro.) No member of the incorporation review board may
6 review a petition referred to the board under s. 66.0203 (8) (b) if any of the following
7 apply applies:

NOTE: Corrects grammar.

8 **SECTION 9.** 15.105 (28) of the statutes is amended to read:

9 **15.105 (28) INFORMATION TECHNOLOGY MANAGEMENT BOARD.** There is created an
10 information technology management board that is attached to the department of
11 administration under s. 15.03. The board shall consist of the governor, the
12 cochairpersons of the joint committee on information policy and technology or a
13 member of the legislature from the same house as a cochairperson designated by that
14 cochairperson, one member of the minority party in each house of the legislature,
15 appointed in the same manner as members of standing committees are appointed,
16 ~~the secretary of administration,~~ 2 heads of departments or independent agencies
17 appointed to serve at the pleasure of the governor, 2 other members appointed to
18 serve for 4-year terms, and the secretary of administration or his or her designee.

NOTE: 2003 Wis. Act 33 renumbered s. 15.215 (1) to s. 15.105 (28) and amended it
by replacing "chief information officer" with "secretary of administration or his or her
designee." The subsection already included the secretary of administration. "(O)r his or
her designee" is retained consistent with the treatment of s. 15.07 (2) (L) by 2003 Wis. Act
33, which provides: "The governor shall serve as chairperson of the information
technology management board and the secretary of administration or his or her designee
shall serve as secretary of that board."

19 **SECTION 10.** 15.107 (9) of the statutes is repealed.

NOTE: By its terms, s. 15.107 (9) has no application after June 30, 2002.

***NOTE: This statute is x-ref'd at s. 16.115 (3) (c). CJS

SECTION 11. 16.007 (7) of the statutes is amended to read:

16.007 (7) EXCEPTION. This section shall not be construed as relieving any 3rd party 3rd-party liability or releasing any joint tort-feasor.

NOTE: Corrects spelling.

INS A

SECTION 12. 16.135 of the statutes is repealed.

NOTE: By its terms, s. 16.135 has no application after June 30, 2002.

SECTION 13. 16.63 (4) (b) 4. of the statutes is amended to read:

16.63 (4) (b) 4. A security interest perfected under this paragraph is enforceable against the debtor, any assignee or grantee, and all ~~third~~ 3rd parties, including creditors under any lien obtained by judicial proceedings, subject only to the rights of any ~~third~~ 3rd parties holding security interests in the tobacco settlement revenues previously perfected under this paragraph. Unless the applicable security agreement provides otherwise, a perfected security interest in the tobacco settlement revenues is a continuously perfected security interest in all tobacco settlement revenues existing on the date of the agreement or arising after the date of the agreement. A security interest perfected under this paragraph has priority over any other lien created by operation of law or otherwise, which subsequently attaches to the tobacco settlement revenues.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 14. 16.63 (4) (c) 3. of the statutes is amended to read:

16.63 (4) (c) 3. The sale, assignment, or transfer is perfected automatically as against ~~third~~ 3rd parties, including any ~~third~~ 3rd parties with liens created by operation of law or otherwise, upon attachment under ch. 409.

NOTE: Makes spelling consistent with current style and the majority of statutes.

***NOTE: See my change. CJS

1 **SECTION 15.** 19.32 (1b) of the statutes is repealed.

NOTE: Section 19.32 (1b) defines "committed person" as used in ss. 19.33 to 19.39.
"Committed person" does not appear in ss. 19.33 to 19.39.

****NOTE: I think this repeal should be removed. "Committed person" appears in
the phrase "committed or incarcerated person" in several places within the relevant
sections. CJS

2 **SECTION 16.** 19.36 (8) (a) 2. of the statutes is amended to read:

3 19.36 (8) (a) 2. "Law enforcement agency" has the the meaning given in s.
4 165.83 (1) (b), and includes the department of corrections.

INSB
NOTE: Deletes repeated word.

5 **SECTION 17.** 20.505 (1) (ge) of the statutes is amended to read:

6 20.505 (1) (ge) *High-voltage transmission line annual impact fee distributions.*

7 All moneys received from the payment of fees under the rules promulgated under s.
8 16.969 (2) (a) for distributions to ~~te~~ towns, villages and cities under s. 16.969 (3) (a).

NOTE: Deletes repeated word.

9 **SECTION 18.** 21.78 (4) of the statutes, as created by 2005 Wisconsin Act 22, is
10 amended to read:

11 21.78 (4) If the leave of absence under sub. (1) is granted to an elected or
12 appointed official or employee and the official or employee has begun service in the
13 U.S. armed forces, a temporary vacancy exists and a successor may be appointed to
14 fill the unexpired term of the official or employee, or until the official or employee
15 returns and files an election to resume the office if the date of the filing is prior to the
16 expiration of the term. The appointment shall be made in the manner provided for
17 the filling of vacancies caused by death, resignation, or otherwise, except that no
18 election need be held to fill a temporary vacancy. The appointee has all the powers,
19 duties, liabilities, and responsibilities and shall be paid and receive the
20 compensation and other benefits of the office or position, unless otherwise provided

1 by the governing body. Within 40 days after the termination of service in the U.S.
2 armed forces, the elected or appointed official or employee, upon filing with the clerk
3 of the governmental unit, a statement under oath of termination and that the official
4 or employee elects to resume the office or position, may resume the office or position
5 for the remainder of the term for which elected or appointed. The person temporarily
6 filling the vacancy shall cease to hold the office on the date of the filing.

NOTE: Inserts missing article.

7 **SECTION 19.** 21.80 (3) (d) (intro.) of the statutes is amended to read:

8 21.80 (3) (d) *Exceptions.* (intro.) An employer is not required to reemploy a
9 person under this section if the employer shows that any of the following apply
10 applies:

NOTE: Corrects grammar.

11 **SECTION 20.** 23.0915 (2) of the statutes is repealed.

NOTE: Section 23.0915 (2) (e) provides: "Paragraphs (a) to (d) do not apply after June 30, 2000." Except for s. 23.0915 (2) (e), s. 23.0915 (2) has no other paragraphs.

See Insert ******NOTE:** Section 23.0915 (2) is x-ref'd in several statutes. Those statutes should be amended to reflect this repeal. CJS

12 **SECTION 21.** 23.33 (6m) (a) of the statutes is renumbered 23.33 (6m).

NOTE: Section 23.33 (6m) has no other paragraphs.

13 **SECTION 22.** 23.51 (2p), (3c), (3g), (3m), (5), (5g), (6), (6m), (9), and (10) of the
14 statutes are repealed.

NOTE: 2003 Wis. Act 139 changed the term "assessment" or "payment" to "surcharge" throughout the statutes, including in all of the definitions in s. 23.51 except s. 23.51 (2p) where "assessment" was inadvertently left unchanged, in relation to certain costs assessed in court cases under ch. 814. However, in the remainder of ch. 23, Act 139 removed all of the references to the specific surcharges that were defined in s. 23.51 and replaced them with a general reference to "surcharges under ch. 814." As a result those defined terms are never used in ch. 23 and the definitions are now removed.

15 **SECTION 23.** 24.60 (1v) of the statutes is amended to read:

16 24.60 (1v) "Federated public library system" means a federated public library
17 system whose territory lies within 2 or more counties.

**** NOTE: Per Mary Gibson - Glass, s. 23.0915(2) should not be repealed because it is "needed for understanding of both stewardship programs, which are ongoing bonding programs." Likewise, the amendments of statutes that cross-reference s. 23.0915(2) should be removed (I have put 4-star notes on them.) CJS

INSE

NOTE: Inserts missing quotation marks.

1 **SECTION 24.** 29.229 (2) (intro.) of the statutes is amended to read:

2 29.229 (2) AUTHORIZATION FOR ISSUANCE. (intro.) The band may issue one or
3 more types of fishing approvals that are equivalent to one or more of the the following
4 types of approvals by authorizing the same types of fishing by the same persons and
5 in the same bodies of water:

NOTE: Deletes repeated word.

6 **SECTION 25.** 29.307 (2) of the statutes is repealed.

NOTE: Section 29.307 (3) provides: "Subsection (2) and the rules promulgated under
sub. (2) do not apply after June 30, 2004."

See inserts ****NOTE: There is an x-ref to this statute at s. 29.971 (11) that should be treated
to reflect this repeal. CJS ~~29.307 (2) (intro.)~~

7 **SECTION 26.** 29.307 (3) of the statutes is amended to read:

8 29.307 (3) Subsection (2) and the The rules promulgated under sub. (2) s.
9 29.307 (2), 2003 stats., do not apply after June 30, 2004.

NOTE: See the previous section of this bill.

OK ****NOTE: See my technical change. CJS

10 **SECTION 27.** 30.207 (1m) of the statutes is amended to read:

11 30.207 (1m) OPTIONAL AREA. In addition to the the Wolf River and Fox River
12 basin area, the secretary may designate another area of the state in which general
13 permits may be issued under this section. If the secretary designates an area under
14 this subsection, the secretary shall do so within 6 months after the effective date of
15 the first permit issued for the Wolf River and Fox River basin area.

NOTE: Deletes repeated word.

16 **SECTION 28.** 30.285 (1) (intro.) of the statutes is amended to read:

17 30.285 (1) (intro.) On an annual basis, the department shall keep records of all
18 of the following:

NOTE: Inserts missing colon. The change has been made in the printed volumes.

④ ****NOTE: Mary Gibson-Glass suggests that s. 29.307 (3) should be
repealed rather than amended, because the rules no longer
apply either. CJS

1 **SECTION 29.** 36.11 (34) of the statutes is repealed.

NOTE: By its terms, s. 36.11 (34) has no application after June 30, 2003.

2 **SECTION 30.** 38.24 (4) (intro.) of the statutes is amended to read:

3 38.24 (4) FEE EXEMPTIONS. (intro.) A graduate of an associate degree program
4 or vocational diploma program who is a resident of this state is exempt from the fees
5 under sub. (1m) (b) and (c) for up to 6 credits within the same occupational program
6 for which the degree or diploma was awarded if the graduate applies for the
7 exemption within 6 months of graduation and any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

8 **SECTION 31.** 41.11 (1) (h) of the statutes is amended to read:

9 41.11 (1) (h) Annually report to the senate natural resources committee and
10 the assembly committee on tourism the activities, receipts and disbursements of the
11 ~~division of tourism~~ department for the previous fiscal year.

NOTE: 1995 Wis. Act 27 created the department of tourism in ch. 41 and
renumbered provisions in ch. 560 relating to the division of tourism to ch. 41. Section
41.11 (1) (h) was renumbered from s. 560.23 (1) (h) but was not amended accordingly.
"Department" is defined as the department of tourism in ch. 41.

12 **SECTION 32.** 45.01 (11) (b) (intro.) of the statutes, as affected by 2005 Wisconsin
13 Act 22, is amended to read:

14 45.01 (11) (b) *Middle East crisis*. (intro.) A person shall be considered to have
15 served in a Middle East crisis if, because of active duty in the U.S. armed forces or
16 forces incorporated as a part of U.S. armed forces, any of the following ~~apply~~ applies:

NOTE: Corrects grammar.

~~OK~~ ~~****NOTE: See my changes. OK? CJS~~

17 **SECTION 33.** 45.43 (1) (am) of the statutes is amended to read:

18 ~~45.43 (1) (am) Except as provided under par. (b), the county board may appoint~~
19 ~~assistant county veterans' service officers who shall be Wisconsin residents who~~
20 ~~served on active duty, other than active duty for training, under honorable conditions~~

1 in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and
2 who meet at least one of the conditions listed in s. 45.35 (5) 45.001 (4) (a) 1. a. to d.
3 and at least one of the conditions listed in s. 45.35 (5) 45.001 (4) (a) 2. a. to c.

NOTE: Section 45.35 (5) was renumbered to s. 45.001 (4) by 2001 Wis. Act 103.

4 **SECTION 34.** 45.71 (3) (b) of the statutes is amended to read:

5 45.71 (3) (b) ~~Attorneys~~ Attorney fees.

NOTE: Makes spelling consistent with current style and the majority of statutes.

6 **SECTION 35.** ~~45.74 (6m) (intro.)~~ of the statutes is amended to read:

7 45.74 (6m) ~~PREVIOUS LOANS (intro.)~~ The person has a previous loan
8 outstanding under this subchapter, unless any of the following apply applies:

NOTE: Corrects grammar.

As affected
by 2005 Wisconsin
Act 22

9 **SECTION 36.** 45.745 (6) (intro.) of the statutes is amended to read:

10 45.745 (6) PREVIOUS LOANS. (intro.) If the person has a previous loan
11 outstanding under this subchapter, any of the following apply applies:

NOTE: Corrects grammar.

12 **SECTION 37.** 45.79 (13) of the statutes is amended to read:

13 45.79 (13) REPAYMENT OF LOAN. Any money appropriated or transferred by law
14 from the veterans mortgage loan repayment fund for purposes other than those
15 listed in sub. (7), other than moneys made temporarily available to other funds under
16 s. 20.002 (11), shall be repaid from the general fund with interest at a rate of 5% per
17 year from the the date of the appropriation or transfer to the date of repayment.

NOTE: Deletes repeated word.

18 **SECTION 38.** 46.279 (1) (c) of the statutes is amended to read:

19 46.279 (1) (c) "Nursing facility" has the meaning given under 42 USC 1369r
20 1396r (a).

NOTE: Corrects cross-reference.

1 **SECTION 39.** 48.357 (1) (a) of the statutes is amended to read:

2 48.357 (1) (a) The person or agency primarily responsible for implementing the
3 dispositional order, the district attorney, or the corporation counsel may request a
4 change in the placement of the child or expectant mother, whether or not the change
5 requested is authorized in the dispositional order, as provided in par. (am) or (c),
6 whichever is applicable.

NOTE: Deletes unnecessary comma. The change has been made in the printed volumes.

7 **SECTION 40.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

8 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
9 subsection made under s. 20.435 (4) (b), (gp), (o), (pa), ~~(e)~~, (w), or (wm) shall, except
10 as provided in pars. (bg), (bm), and (br), be determined according to a prospective
11 payment system updated annually by the department. The payment system shall
12 implement standards that are necessary and proper for providing patient care and
13 that meet quality and safety standards established under subch. II of ch. 50 and ch.
14 150. The payment system shall reflect all of the following:

NOTE: Places cross-references in alphabetical order consistent with current style.

15 **SECTION 41.** 49.45 (6m) (bm) (intro.) of the statutes is amended to read:

16 49.45 (6m) (bm) (intro.) Except as provided in par. (bo), the department may
17 establish payment methods for a facility for which any of the following apply applies:

NOTE: Corrects grammar.

18 **SECTION 42.** 49.45 (46) of the statutes is repealed.

NOTE: By its terms, s. 49.45 (46) has no application after June 30, 2003.

19 **SECTION 43.** 49.46 (2) (b) 18. of the statutes is repealed.

NOTE: By its terms, s. 49.46 (2) (b) 18. has no application after June 30, 2003.

20 **SECTION 44.** 49.46 (2) (d) of the statutes is amended to read:

1 49.46 (2) (d) Benefits authorized under this subsection may not include
2 payment for that part of any service payable through ~~3rd-party~~ 3rd-party liability
3 or any federal, state, county, municipal or private benefit system to which the
4 beneficiary is entitled. "Benefit system" does not include any public assistance
5 program such as, but not limited to, Hill-Burton benefits under 42 USC 291c (e), in
6 effect on April 30, 1980, or relief funded by a relief block grant.

NOTE: Corrects spelling.

7 **SECTION 45.** 49.47 (6) (c) 2. of the statutes is amended to read:

8 49.47 (6) (c) 2. That part of any service otherwise authorized under this section
9 which is payable through ~~3rd-party~~ 3rd-party liability or any federal, state, county,
10 municipal or private benefit systems, to which the beneficiary may otherwise be
11 entitled.

NOTE: Corrects spelling.

12 **SECTION 46.** 55.06 (11) (a) of the statutes is amended to read:

13 55.06 (11) (a) If, from personal observation of a sheriff, police officer, fire
14 fighter, guardian, if any, or authorized representative of a board designated under
15 s. 55.02 or an agency designated by it, it appears probable that an individual will
16 suffer irreparable injury or death or will present a substantial risk of serious physical
17 harm to others as a result of developmental disabilities, infirmities of aging, chronic
18 mental illness or other like incapacities if not immediately placed, the person making
19 the observation may take into custody and transport the individual to an appropriate
20 medical or protective placement facility. The person making placement shall prepare
21 a statement at the time of detention providing specific factual information
22 concerning the person's observations and the basis for emergency placement. The
23 statement shall be filed with the director of the facility and shall also be filed with

1 any petition under sub. (2). At the time of placement the individual shall be informed
2 by the director of the facility or the director's designee, both orally and in writing, of
3 his or her right to contact an attorney and a member of his or her immediate family
4 and the right to have an attorney provided at public expense, as provided under s.
5 967.06 and ch. 977, if the individual is a child or is indigent. The director or designee
6 shall also provide the individual with a copy of the statement by the person making
7 emergency placement.

NOTE: Inserts comma^S.

****NOTE: I added a comma after the first word of this provision to set off the comma,
added in the bill CJS

8 **SECTION 47.** 66.0713 (3) of the statutes is amended to read:

9 66.0713 (3) GENERAL OBLIGATION-LOCAL IMPROVEMENT BONDS. For the purpose
10 of anticipating the collection of special assessments payable in installments as
11 provided in s. ~~66.0621~~ 66.0715 (3) and after the installments have been determined,
12 the governing body may issue general obligation-local improvement bonds under s.
13 67.16.

NOTE: Section 66.0715 relates to the payment of special assessments in installments. Section 66.0621 relates to revenue obligations and contains no provision relating to special assessments. 1999 Wisconsin Act 150 renumbered s. 66.0713 (3) from s. 66.54 (9) (a) and amended the above amended cross-reference from "this section" to s. 66.0621 (3). Act 150 also renumbered and amended s. 66.54 (10), changing the identical cross-reference to "special assessments payable in installments" from "this section" to s. 66.0715 (3). Prior to Act 150, special assessments payable in installments were provided for under s. 66.54 (7), which was renumbered to s. 66.0715 (3) by Act 150. There is no indication that the cross-reference in the former 66.54 (9) should have been treated differently than that in s. 66.54 (10).

14 **SECTION 48.** 66.1031 (3) (a) of the statutes, as affected by 2003 Wisconsin Act
15 214, is repealed and recreated to read:

16 66.1031 (3) (a) Alter or void the established width.

NOTE: Section 80.64 was renumbered by 2003 Wis. Act 214 to s. 66.1031. Due to a transcription error s. 66.1031 (3) (a) was inadvertently omitted from the published volumes.

OK ~~****NOTE: See my changes to action phrase. I am wary about "is recreated to read", not least because I cannot find a precedent (I looked back through 1995). I thought the "as affected by" would be a way to establish the existence of the statute, regardless of its omission from the printed volumes, so that it could be repealed and recreated. OK? CJS~~

1 **SECTION 49.** 67.16 (2) (a) of the statutes is amended to read:

2 67.16 (2) (a) For the purpose of anticipating the collection of special
3 assessments payable in installments under s. ~~66.0621~~ 66.0715 (3), the governing
4 body of a local governmental unit, after the installments have been determined, may
5 issue general obligation-local improvement bonds under this section.

NOTE: Section 66.0715 relates to the payment of special assessments in installments. Section 66.0621 relates to revenue obligations and contains no provision relating to special assessments. 1999 Wisconsin Act 150 renumbered s. 66.0713 (3) from s. 66.54 (9) (a) and amended a cross-reference from "special assessments payable in installments under this section" to "special assessments payable in installments under s. 66.0621 (3)." 1999 Wisconsin Act 150 also created s. 67.16 (2) (a) with language paralleling s. 66.54 (9) (a) and renumbered s. 66.54 (9) (b) and (c) to 67.16 (2) (b) and (c). Act 150 also renumbered and amended s. 66.54 (10), changing the identical cross-reference to "special assessments payable in installments" from "this section" to s. 66.0715 (3). Prior to Act 150, special assessments payable in installments were provided for under s. 66.54 (7), which was renumbered to s. 66.0715 (3) by Act 150. There is no indication that the cross-reference in the former 66.54 (9) or the new s. 67.16 should have been treated differently than that in s. 66.54 (10).

CA ~~****NOTE: See my changes to the note. CJS~~

6 **SECTION 50.** 70.18 (1) of the statutes is amended to read:

7 70.18 (1) Personal property shall be assessed to the owner thereof, except that
8 when it is in the charge or possession of some person other than the owner it may be
9 assessed to the person so in charge or possession of the same. Telegraph and
10 telephone poles, posts, railroad ties, lumber and all other manufactured forest
11 products shall be deemed to be in the charge or possession of the person in occupancy
12 or possession of the premises upon which the same shall be stored or piled, and the
13 same shall be assessed to such person, unless the owner or some other person
14 residing in the same assessment district, shall be actually and actively in charge and
15 possession thereof, in which case it shall be assessed to such resident owner or other
16 person so in actual charge or possession; but nothing contained in this clause

1 subsection shall affect or change the rules prescribed in s. 70.13 respecting the
2 district in which such property shall be assessed.

NOTE: Corrects cross-reference.

3 **SECTION 51.** 75.63 (1) (a) 2. of the statutes is amended to read:

4 75.63 (1) (a) 2. All legal charges for assessing and collecting the taxes described
5 in subd. 1, and interest thereon at the rate of 8% per year from the January 15 in each
6 year during which the the lands were assessed, commencing with the January
7 following the first assessment after the sale.

NOTE: Deletes repeated word.

8 **SECTION 52.** 77.89 (2) (a) of the statutes is amended to read:

9 77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment received
10 under sub. (1) and under ss. 77.84 (2) (a), and (am), 77.85, and 77.876 to the county
11 treasurer and shall deposit the remainder in the municipal treasury. The payment
12 to the county treasurer for money received before November 1 of any year shall be
13 made on or before the November 15 after its receipt. For money received on or after
14 November 1 of any year, the payment to the county treasurer shall be made on or
15 before November 15 of the following year.

NOTE: Corrects punctuation.

16 **SECTION 53.** 77.996 (6) of the statutes is amended to read:

17 77.996 (6) "Gross receipts" has the meaning given in s. 77.51 (4) (a), (b) 1. and
18 5., (c) 1. to 4., and (d). "Gross receipts" does not include the license fee imposed under
19 s. ~~77.9661~~ 77.9961 (1m) that is passed on to customers.

NOTE: Inserts correct cross-reference. There is no s. 77.9661. Section 77.996
creates definitions applicable to ss. 77.996 to 77.9965, and s. 77.9961 (1m) imposes a
license fee on dry cleaning facilities.

***NOTE: See my changes to the revisor's note. CJS

20 **SECTION 54.** 79.03 (3c) (f) of the statutes is amended to read:

1 79.03 (3c) (f) *Distribution amount.* If the total amounts calculated under pars.
2 (c) to (e) exceed the total amount to be distributed under this subsection, the amount
3 paid to each eligible municipality shall be paid on a prorated basis. The total amount
4 to be distributed under this subsection from s. 20.835 (1) (b) is \$10,000,000 beginning
5 in 1996 and ending in 1999; and \$11,000,000 in the year 2000 and in the year 2001.
6 The total amount to be distributed under this subsection from ~~ss. s. 20.855 (4) (rb),~~
7 ~~2001 stats., and s. 20.835 (1) (b) and 20.855 (4) (rb), 2001 stats.,~~ in 2002 is \$11,110,000
8 and the total amount to be distributed under this subsection from s. 20.835 (1) (b) in
9 2003 is \$11,221,100 less the reductions under s. 79.02 (3) (c) 3.

NOTE: Changes order of citations in conformity with current style.

10 ~~SECTION 55.~~ 79.03 (4) of the statutes is amended to read:

11 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and
12 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be
13 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.
14 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.
15 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this
16 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to
17 municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001,
18 the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835
19 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the
20 total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from ~~ss. s. 20.855~~
21 ~~(4) (rb), 2001 stats., and s. 20.835 (1) (d) and 20.855 (4) (rb), 2001 stats.,~~ are
22 \$769,092,800 to municipalities and \$170,671,600 to counties. In 2003, the total
23 amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d), (m),

(t), and (u) are \$776,783,700 to municipalities, less the reductions under s. 79.02 (3) (c) 3., and \$172,378,300 to counties, less the reductions under s. 79.02 (3) (c) 3.

NOTE: Changes order of citations in conformity with current style.

SECTION 56. 79.04 (7) (b) 1. of the statutes is renumbered 79.04 (7) (b).

NOTE: Section 79.04 (7) (b) does not contain other subdivisions. 2003 Wis. Act 31 created s. 79.04 (7) (b) 1. and 2. The creation of s. 79.04 (7) (b) 2. was removed from 2003 Wis. Act 31 by the governor's partial veto.

SECTION 57. 82.03 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 214, is repealed and recreated to read:

82.03 (2) (a) A greater sum is authorized by the town meeting.

NOTE: Section 81.01 (3) was renumbered by 2003 Wis. Act 214 to s. 82.03 (2). Due to a transcription error s. 82.03 (2) (a) was inadvertently omitted from the published volumes.

~~****NOTE: See my changes to the action phrase and my ****NOTE to the bill section treating s. 66.1031 (3) (a). Also, see my changes to the revisor's note. CJS~~

SECTION 58. 85.205 (1) of the statutes is repealed.

NOTE: By its terms, s. 85.205 (1) has no application after June 30, 2002.

SECTION 59. 85.205 (2) of the statutes is renumbered 85.205.

NOTE: After the repeal of s. 85.205 (1) by this bill, s. 85.205 has no other subsections.

SECTION 60. 86.03 (7) (title) of the statutes is created to read:

86.03 (7) (title) CUTTING OF VETERANS MEMORIAL TREES; PENALTY.

NOTE: All other subsections of s. 86.03 have titles.

~~****NOTE: See my change (current style uses veterans rather than veterans' to qualify a veterans-related noun). CJS~~

SECTION 61. 88.01 (4) of the statutes is amended to read:

88.01 (4) "Cost of construction" includes damages to lands both within and outside the district, reasonable ~~attorneys'~~ attorney fees for petitioners and the board, and all other reasonable and necessary expenses incurred in the organization of and in the construction and completion of the works of a drainage district.

NOTE: Makes spelling consistent with current style and the majority of statutes.

~~****NOTE: Should this change be made also at ss. 88.08 (4) and 802.05 (3) (b)? CJS~~

*See
SURE - insert*

INS
G

1 **SECTION 62.** 97.02 (14) (a) of the statutes is amended to read:

2 97.02 (14) (a) Has partially or completely imbedded therein any nonnutritive
3 object: provided, that this ~~elause~~ paragraph shall not apply in the case of any
4 nonnutritive object if, in the judgment of the department as provided by regulations,
5 such object is of practical functional value to the confectionary product and would not
6 render the product injurious or hazardous to health;

NOTE: Corrects cross-reference.

7 **SECTION 63.** 97.02 (14) (c) of the statutes is amended to read:

8 97.02 (14) (c) Bears or contains any nonnutritive substance; but this ~~elause~~
9 paragraph shall not apply to a safe nonnutritive substance which is in or on
10 confectionary by reason of its use for some practical functional purpose in the
11 manufacture, packaging, or storing of the confectionary if the use of the substance
12 does not promote deception of the consumer or otherwise result in adulteration or
13 misbranding in violation of this chapter. The department may, for the purpose of
14 avoiding or resolving uncertainty as to the application of this ~~elause~~ paragraph,
15 promulgate rules allowing or prohibiting the use of particular nonnutritive
16 substances.

NOTE: Corrects cross-reference.

17 **SECTION 64.** 100.174 (1) (g) 2. of the statutes is amended to read:

18 100.174 (1) (g) 2. Delivery to a ~~3rd-party~~ 3rd-party carrier for delivery to the
19 buyer or the buyer's designee; or

NOTE: Corrects spelling.

20 **SECTION 65.** 100.201 (2) (f) of the statutes is amended to read:

21 100.201 (2) (f) Maintain or make repairs of any equipment owned by a retailer
22 except those used exclusively for selected dairy products. On such repairs the

1 wholesaler shall make charges for the service and parts at the same prices as are
2 charged by ~~third~~ 3rd persons rendering such service in the community where the
3 retailer is located but in no event shall the charges be less than the cost thereof to
4 the wholesaler plus a reasonable margin of profit.

NOTE: Makes spelling consistent with current style and the majority of statutes.

5 **SECTION 66.** 101.9204 (1) (g) of the statutes is amended to read:

6 101.9204 (1) (g) If the manufactured home is a used manufactured home that
7 was last previously titled in another jurisdiction, the applicant shall furnish any
8 certificate of ownership issued by the other jurisdiction and a statement, in the form
9 prescribed by the ~~the~~ department, pertaining to the title history and ownership of the
10 manufactured home.

NOTE: Deletes repeated word.

11 **SECTION 67.** 101.9208 (1) (b) of the statutes is repealed.

NOTE: By its terms, s. 101.9208 (1) (b) has no application after December 31, 2003.

Insert ~~****NOTE: This statute is x-ref'd in a number of other statutes. I think those
statutes need to be treated to reflect this repeal. CJS~~

12 **SECTION 68.** 101.94 (4) (intro.) of the statutes is amended to read:

13 INS
H

13 101.94 (4) (intro.) The department shall inspect manufactured homes
14 manufactured in other states to be sold or intended to be sold in this state. For such
15 out-of-state inspections, the department may contract for ~~3rd party~~ 3rd-party
16 inspection by an inspection agency which has been approved by the department. The
17 department shall monitor inspections conducted by ~~3rd party~~ 3rd-party inspection
18 agencies to ensure the quality of those inspections. To obtain departmental approval,
19 the inspection agency shall submit an application to the department accompanied
20 by written materials evidencing that the agency is:

NOTE: Corrects spelling.

<use 2x>
④ ~~****~~NOTE: 2005 Wis. Act 45 rp's this statute, eff 12-1-2005.
Can this bill section be removed? CJS

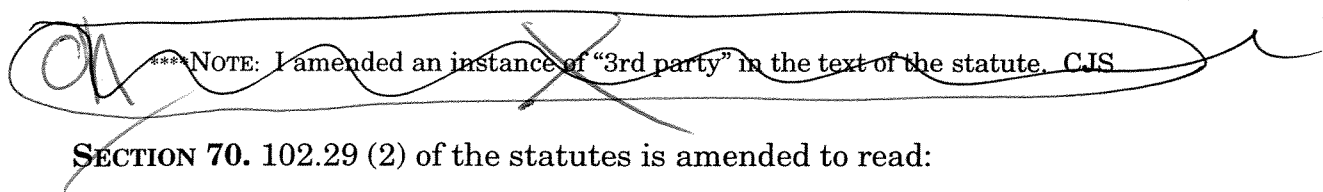
****NOTE: Enrolled AB-39 repeals this statute effective 12-1-05. But I think there is no harm in retaining the treatment provided here. OK? CJS

SECTION 69. 102.29 (1) of the statutes is amended to read:

102.29 (1) The making of a claim for compensation against an employer or compensation insurer for the injury or death of an employee shall not affect the right of the employee, the employee's personal representative, or other person entitled to bring action, to make claim or maintain an action in tort against any other party for such injury or death, hereinafter referred to as a 3rd party; nor shall the making of a claim by any such person against a 3rd party for damages by reason of an injury to which ss. 102.03 to 102.64 are applicable, or the adjustment of any such claim, affect the right of the injured employee or the employee's dependents to recover compensation. The employer or compensation insurer who shall have paid or is obligated to pay a lawful claim under this chapter shall have the same right to make claim or maintain an action in tort against any other party for such injury or death. If the department pays or is obligated to pay a claim under s. 102.81 (1), the department shall also have the right to maintain an action in tort against any other party for the employee's injury or death. However, each shall give to the other reasonable notice and opportunity to join in the making of such claim or the instituting of an action and to be represented by counsel. If a party entitled to notice cannot be found, the department shall become the agent of such party for the giving of a notice as required in this subsection and the notice, when given to the department, shall include an affidavit setting forth the facts, including the steps taken to locate such party. Each shall have an equal voice in the prosecution of said claim, and any disputes arising shall be passed upon by the court before whom the case is pending, and if no action is pending, then by a court of record or by the

1 department. If notice is given as provided in this subsection, the liability of the
2 tort-feasor shall be determined as to all parties having a right to make claim, and
3 irrespective of whether or not all parties join in prosecuting such claim, the proceeds
4 of such claim shall be divided as follows: After deducting the reasonable cost of
5 collection, one-third of the remainder shall in any event be paid to the injured
6 employee or the employee's personal representative or other person entitled to bring
7 action. Out of the balance remaining, the employer, insurance carrier or, if
8 applicable, uninsured employers fund shall be reimbursed for all payments made by
9 it, or which it may be obligated to make in the future, under this chapter, except that
10 it shall not be reimbursed for any payments of increased compensation made or to
11 be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57 or 102.60. Any balance
12 remaining shall be paid to the employee or the employee's personal representative
13 or other person entitled to bring action. If both the employee or the employee's
14 personal representative or other person entitled to bring action, and the employer,
15 compensation insurer or department, join in the pressing of said claim and are
16 represented by counsel, the attorneys' attorney fees allowed as a part of the costs of
17 collection shall be, unless otherwise agreed upon, divided between such attorneys as
18 directed by the court or by the department. A settlement of any ~~3rd party~~ 3rd-party
19 claim shall be void unless said settlement and the distribution of the proceeds thereof
20 is approved by the court before whom the action is pending and if no action is
21 pending, then by a court of record or by the department.

NOTE: Makes spelling consistent with current style and the majority of statutes.

***NOTE: I amended an instance of "3rd party" in the text of the statute. CJS

22 SECTION 70. 102.29 (2) of the statutes is amended to read:

1 102.29 (2) In the case of liability of the employer or insurer to make payment
2 into the state treasury under s. 102.49 or 102.59, if the injury or death was due to the
3 actionable act, neglect or default of a ~~third~~ 3rd party, the employer or insurer shall
4 have a right of action against ~~such third~~ the 3rd party to recover the sum so paid into
5 the state treasury, which right may be enforced either by joining in the action
6 mentioned in sub. (1), or by independent action. Contributory negligence of the
7 employee because of whose injury or death such payment was made shall bar
8 recovery if such negligence was greater than the negligence of the person against
9 whom recovery is sought, and the recovery allowed the employer or insurer shall be
10 diminished in proportion to the amount of negligence attributable to such injured or
11 deceased employee. Any action brought under this subsection may, upon order of the
12 court, be consolidated and tried together with any action brought under sub. (1).

NOTE: Makes spelling consistent with current style and the majority of statutes.

13 ~~SECTION 71.~~ 102.29 (5) of the statutes is amended to read:

14 102.29 (5) An insurer subject to sub. (4) which fails to comply with the notice
15 provision of that subsection and which fails to commence a ~~3rd-party~~ 3rd-party
16 action, within the 3 years allowed by s. 893.54, may not plead that s. 893.54 is a bar
17 in any action commenced by the injured employee under this section against any
18 such 3rd party subsequent to 3 years from the date of injury, but prior to 6 years from
19 such date of injury. Any recovery in such an action is limited to the insured liability
20 of the 3rd party. In any such action commenced by the injured employee subsequent
21 to the 3-year period, the insurer of the employer shall forfeit all right to participate
22 in such action as a complainant and to recover any payments made under this
23 chapter.

NOTE: Corrects spelling.

1 **SECTION 72.** 102.81 (2) of the statutes is amended to read:

2 102.81 (2) The department may retain an insurance carrier or insurance
3 service organization to process, investigate and pay claims under this section and
4 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
5 do business in this state in an amount that the secretary determines is necessary for
6 the sound operation of the uninsured employers fund. In cases involving disputed
7 claims, the department may retain an attorney to represent the interests of the
8 uninsured employers fund and to make appearances on behalf of the uninsured
9 employers fund in proceedings under ss. 102.16 to 102.29. Section ~~20.918~~ 20.930 and
10 subch. IV of ch. 16 do not apply to an attorney hired under this subsection. The
11 charges for the services retained under this subsection shall be paid from the
12 appropriation under s. 20.445 (1) (hp). The cost of any reinsurance obtained under
13 this subsection shall be paid from the appropriation under s. 20.445 (1) (sm).

NOTE: Inserts the correct cross-reference. Section 20.930 relates to authorization for incurring attorney fees. Section 20.918 relates to damaged personal articles. 1989 Act 64 created s. 102.81, which included the current reference to s. 20.918. 1989 Act 119 renumbered s. 20.918 to s. 20.930 and created a new, unrelated s. 20.918 without taking Act 64 into account.

14 **SECTION 73.** 103.56 (4) of the statutes is amended to read:

15 103.56 (4) A temporary restraining order issued under sub. (3) shall be effective
16 for no longer than 5 days and, at the expiration of the 5-day period, shall become void
17 and not subject to renewal or extension, except that if the hearing for a temporary
18 injunction ^{strike} ~~s~~ begins before the expiration of the the 5-day period the restraining order
19 may in the court's discretion be continued until a decision is reached on the issuance
20 of the temporary injunction.

NOTE: Deletes repeated word. Also deletes unnecessary letter "s".

21 **SECTION 74.** 108.09 (4) (c) of the statutes is amended to read:

④ ****NOTE: See changes to text and revisor's note. Both changes are suggested by Gordon Malaise. CJS

1 108.09 (4) (c) *Late appeal*. If a party files an appeal which is not timely, an
2 appeal tribunal shall review the appellant's written reasons for filing the late appeal.
3 If those reasons, when taken as true and construed most favorably to the appellant,
4 do not constitute a reason beyond the appellant's control, the appeal tribunal may
5 dismiss the appeal without a hearing and issue a decision accordingly. Otherwise,
6 the department may schedule a hearing concerning the question of whether the the
7 appeal was filed late for a reason that was beyond the appellant's control. The
8 department may also provisionally schedule a hearing concerning any matter in the
9 determination being appealed. After hearing testimony on the late appeal question,
10 the appeal tribunal shall issue a decision which makes ultimate findings of fact and
11 conclusions of law concerning whether the the appellant's appeal was filed late for
12 a reason that was beyond the appellant's control and which, in accordance with those
13 findings and conclusions, either dismisses the appeal or determines that the appeal
14 was filed late for a reason that was beyond the appellant's control. If the appeal is
15 not dismissed, the same or another appeal tribunal established by the department
16 for this purpose, after conducting a hearing, shall then issue a decision under sub.
17 (3) (b) concerning any matter in the determination.

NOTE: Deletes repeated word.

18 **SECTION 75.** 108.16 (8) (b) 2. of the statutes is amended to read:

19 108.16 (8) (b) 2. The transfer included at least 25% of the transferor's total
20 business as measured by comparing the payroll experience assignable to the the
21 portion of the business transferred with the transferor's total payroll experience for
22 the last 4 completed quarters immediately preceding the date of the transfer.

NOTE: Deletes repeated word.

23 **SECTION 76.** 111.01 (2) of the statutes is amended to read:

1 111.01 (2) Industrial peace, regular and adequate income for the employee, and
2 uninterrupted production of goods and services are promotive of all of these
3 interests. They are largely dependent upon the maintenance of fair, friendly, and
4 mutually satisfactory employment relations and the availability of suitable
5 machinery for the peaceful adjustment of whatever controversies may arise. It is
6 recognized that certain employers, including farmers and farmer cooperatives, in
7 addition to their general employer problems, face special problems arising from
8 perishable commodities and seasonal production which require adequate
9 consideration. It is also recognized that whatever may be the rights of disputants
10 with respect to each other in any controversy regarding employment relations, they
11 should not be permitted, in the conduct of their controversy, to intrude directly into
12 the primary rights of ~~third~~ 3rd parties to earn a livelihood, transact business, and
13 engage in the ordinary affairs of life by any lawful means and free from molestation,
14 interference, restraint, or coercion.

NOTE: Makes spelling consistent with current style and the majority of statutes.

15 **SECTION 77.** 111.70 (4) (jm) 4. h. of the statutes is amended to read:
16 111.70 (4) (jm) 4. h. Establish a system for resolving all disputes under the
17 agreement, including final and binding ~~3rd party~~ 3rd-party arbitration.

NOTE: Corrects spelling.

18 **SECTION 78.** 111.825 (1) (intro.) of the statutes is amended to read:
19 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
20 collective bargaining, units must be structured in such a way as to avoid excessive
21 fragmentation whenever possible. In accordance with this policy, collective
22 bargaining units for employees in the classified service of the state, except employees
23 in the collective bargaining units specified in s. ~~111.825 sub.~~ (1m), are structured on

1 a statewide basis with one collective bargaining unit for each of the following
2 occupational groups:

NOTE: Corrects form of cross-reference.

3 **SECTION 79.** 112.01 (6) (title) of the statutes is amended to read:

4 112.01 **(6)** (title) CHECK DRAWN BY FIDUCIARY PAYABLE TO ~~THIRD~~ 3RD PERSON.

NOTE: Makes spelling consistent with current style and the majority of statutes.

5 **SECTION 80.** 126.47 (4) (f) of the statutes is repealed.

NOTE: By its terms, s. 126.47 (4) (f) has no application after January 1, 2003.

6 **SECTION 81.** 138.12 (11) (a) of the statutes is amended to read:

7 138.12 **(11)** (a) A premium finance agreement may provide for the payment by
8 the insured of a delinquency or default charge of \$1 to a maximum of 5% of any
9 delinquent installment which is in default for a period of 5 days or more. If the
10 default results in the cancellation of any insurance contract listed in the agreement,
11 the agreement may provide for the payment by the insured of a cancellation charge
12 of \$15. A premium finance agreement may also provide for the payment of statutory
13 attorneys' attorney fees and statutory court costs if the agreement is referred for
14 collection to an attorney not a salaried employee of the insurance premium finance
15 company.

NOTE: Makes spelling consistent with current style and the majority of statutes.

16 **SECTION 82.** 150.01 (2) of the statutes is amended to read:

17 150.01 **(2)** "Affected party" means the applicant, local planning agencies,
18 governmental agencies, other persons providing similar services in the applicant's
19 service area, the public to be served by the proposed project, ~~3rd party~~ 3rd-party
20 payers and any other person who the department determines to be affected by an
21 application for approval of a project.

NOTE: Corrects spelling.

1 SECTION 83. 153.01 (8) of the statutes is amended to read:

2 153.01 (8) "Payer" means a 3rd party 3rd-party payer, including an insurer,
3 federal, state or local government or another who is responsible for payment of a
4 hospital charge.

NOTE: Corrects spelling ~~in accordance with the Uniform Unclaimed Property Act~~

~~(1981).~~

***NOTE: The reference to the UUPA (1981) seems to be misplaced; the provision
treated appears in the chapter on health care information. CJS

5 SECTION 84. 165.93 (1) (c) of the statutes is repealed.

NOTE: Section 165.93 (1) (c) defines "sexual contact" for s. 165.93, but "sexual
contact" is not used in s. 165.93.

***NOTE: I made a change to the revisor's note. CJS

6 SECTION 85. 165.93 (1) (d) of the statutes is repealed.

NOTE: Section 165.93 (1) (d) defines "sexual intercourse" for s. 165.93, but "sexual
intercourse" is not used in s. 165.93.

***NOTE: I made a change to the revisor's note. CJS

7 SECTION 86. 166.03 (8) (e) of the statutes is amended to read:

8 166.03 (8) (e) Emergency management employees as defined in par. (d) shall
9 be indemnified by their sponsor against any tort liability to third 3rd persons
10 incurred in the performance of emergency management activities while acting in
11 good faith and in a reasonable manner. Emergency management activities
12 constitute a governmental function.

INS I

NOTE: Makes spelling consistent with current style and the majority of statutes.

13 SECTION 87. 167.31 (4) (bg) of the statutes is repealed.

NOTE: By its terms, s. 167.31 (4) (bg) has no application after June 30, 2004.

***NOTE: This statute is x-ref'd at s. 167.31 (2) (d). The x-ref should be treated
to reflect the repeal. CJS

14 SECTION 88. 169.11 (1) (a) (intro.) of the statutes is amended to read:

15 169.11 (1) (a) (intro.) The department shall designate by rule cougars and
16 members of the family ursidae as harmful wild animals. After consulting with the

1 department of agriculture, trade and consumer protection and the department of
2 health and family services, the department of natural resources may designate by
3 rule other species of wild animals as harmful wild animals if any of the following
4 apply applies:

NOTE: Corrects grammar.

5 **SECTION 89.** 170.12 (4) (intro.) of the statutes is amended to read:

6 170.12 (4) REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application
7 under sub. (3), the board shall immediately transmit copies of the application to the
8 department of natural resources and to the historical society for review. The
9 department of natural resources and the historical society shall, as appropriate,
10 within 30 days after their receipt of the application, notify the board whether any of
11 the following apply applies:

NOTE: Corrects grammar.

12 **SECTION 90.** 173.23 (4) (intro.) of the statutes is amended to read:

13 173.23 (4) INJURED OR DANGEROUS ANIMALS. (intro.) A political subdivision or
14 person contracting under s. 173.15 (1) who has custody of an animal may have the
15 animal euthanized if there are reasonable grounds to believe that any of the
16 following apply applies:

NOTE: Corrects grammar.

17 **SECTION 91.** 177.04 (2) of the statutes is amended to read:

18 177.04 (2) Subject to sub. (4), any sum payable on a money order or similar
19 written instrument, other than a ~~3rd party~~ 3rd-party bank check, that has been
20 outstanding for more than 7 years after its issuance is presumed abandoned unless
21 the owner, within 7 years, has communicated in writing with the issuer concerning

1 it or otherwise indicated an interest as evidenced by a memorandum or other record
2 on file prepared by an employee of the issuer.

NOTE: Corrects spelling in accordance with the Uniform Unclaimed Property Act

(1981).

****NOTE: I'm not sure that it's relevant to cite the UUPA (1981) here or in the
revisor's notes that follow. When we prepare uniform acts in bill form we alter spelling
and style to conform to our in-house spelling and style, rather than deferring to the
conventions used in the uniform act. CJS

3 **SECTION 92.** 177.04 (4) (intro.) of the statutes is amended to read:

4 177.04 (4) (intro.) No sum payable on a travelers check, money order or similar
5 written instrument, other than a ~~3rd party~~ 3rd-party bank check, described in subs.
6 (1) and (2) may be subjected to the custody of this state as unclaimed property unless
7 one of the following exists:

NOTE: Corrects spelling in accordance with the Uniform Unclaimed Property Act
(1981).

8 **SECTION 93.** 177.20 (7) of the statutes is amended to read:

9 177.20 (7) Property removed from a safe deposit box or other safekeeping
10 repository is received by the administrator subject to the holder's right to be
11 reimbursed for the actual cost of the opening and to any valid lien or contract
12 providing for the holder to be reimbursed for unpaid rent or storage charges and
13 subject to any ~~3rd party~~ 3rd-party lien. The administrator shall reimburse the
14 holder from the proceeds remaining after deducting the administrator's selling cost.

NOTE: Corrects spelling in accordance with the Uniform Unclaimed Property Act
(1981).

15 **SECTION 94.** 177.31 (2) of the statutes is amended to read:

16 177.31 (2) Any business association that sells in this state its travelers checks,
17 money orders or other similar written instruments, other than ~~3rd party~~ 3rd-party
18 bank checks on which the business association is directly liable, or that provides such
19 instruments to others for sale in this state, shall, for 3 years after the date the

1 property is reportable, maintain a record of those instruments while they remain
2 outstanding, indicating the state and date of issue.

NOTE: Corrects spelling in accordance with the Uniform Unclaimed Property Act (1981).

~~***NOTE: I removed the struck through "bank" because "bank" still appears in plain text. CJS~~

3 **SECTION 95.** 178.04 (1) of the statutes is amended to read:

4 178.04 (1) Except as provided by s. 178.13, persons who are not partners as to
5 each other are not partners as to ~~third~~ 3rd persons.

NOTE: Makes spelling consistent with current style and the majority of statutes.

6 **SECTION 96.** 178.07 (4) of the statutes is amended to read:

7 178.07 (4) Where the title to real property is in the name of one or more or all
8 the partners, or in a ~~third~~ 3rd person in trust for the partnership, a conveyance
9 executed by a partner in the partnership name, or in the partner's own name, passes
10 the equitable interest of the partnership, provided the act is one within the authority
11 of the partner under s. 178.06 (1).

NOTE: Makes spelling consistent with current style and the majority of statutes.

12 **SECTION 97.** 178.34 (1) and (2) of the statutes are amended to read:

13 178.34 (1) A lien on, or right of retention of, the surplus of the partnership
14 property after satisfying the partnership liabilities to ~~third~~ 3rd persons for any sum
15 of money paid by the party entitled to rescind for the purchase of an interest in the
16 partnership and for any capital or advances contributed by the party entitled to
17 rescind.

18 (2) To stand, after all liabilities to ~~third~~ 3rd persons have been satisfied, in the
19 place of the creditors of the partnership for any payments made by the party entitled
20 to rescind in respect of the partnership liabilities.

NOTE: Makes spelling consistent with current style and the majority of statutes.

1 **SECTION 98.** 178.36 (4) of the statutes is amended to read:

2 178.36 (4) When all the partners or their representatives assign their rights
3 in partnership property to one or more ~~third~~ 3rd persons who promise to pay the
4 debts and who continue the business of the dissolved partnership, creditors of the
5 dissolved partnership are also creditors of the person or partnership continuing the
6 business.

NOTE: Makes spelling consistent with current style and the majority of statutes.

7 **SECTION 99.** 179.23 (title) of the statutes is amended to read:

8 **179.23 (title) Liability to ~~third~~ 3rd parties.**

NOTE: Makes spelling consistent with current style and the majority of statutes.

9 **SECTION 100.** 180.1807 (1) (title) of the statutes is amended to read:

10 180.1807 (1) (title) NOTICE OF ~~3RD-PARTY~~ 3RD-PARTY OFFER.

NOTE: Corrects spelling.

11 **SECTION 101.** 185.93 (3) of the statutes is amended to read:

12 185.93 (3) If anything is recovered or obtained as the result of the action,
13 whether by means of a compromise and settlement or by a judgment, the court may,
14 out of the proceeds of the action, award the plaintiff the reasonable expenses of
15 maintaining the action, including reasonable ~~attorneys'~~ attorney fees, and may
16 direct the plaintiff to account to the association for the remainder of such proceeds.

NOTE: Makes spelling consistent with current style and the majority of statutes.

17 **SECTION 102.** 185.93 (4) of the statutes is amended to read:

18 185.93 (4) In any action brought in the right of an association by less than 3
19 per cent of the members or by holders of less than 3 per cent of any class of stock
20 outstanding, the defendants may require the plaintiff to give security for the
21 reasonable expenses of defending such action, including ~~attorneys'~~ attorney fees.
22 The amount of such security may thereafter be increased or decreased in the

1 discretion of the court upon showing that the security provided is or may be
2 inadequate or is excessive.

NOTE: Makes spelling consistent with current style and the majority of statutes.

3 **SECTION 103.** 186.11 (4) (bh) of the statutes is amended to read:

4 186.11 (4) (bh) A credit union service organization under par. (a) may provide
5 any service described under par. (b) or approved under par. (bd) through an
6 investment by the credit union service organization in a ~~third-party~~ 3rd-party
7 service provider. The amount that a credit union service organization may invest in
8 a ~~third-party~~ 3rd-party service provider under this paragraph may not exceed the
9 amount necessary to obtain the applicable services, or a greater amount if necessary
10 for the credit union service organization to obtain the services at a reduced cost.

NOTE: Makes spelling consistent with current style and the majority of statutes.

11 **SECTION 104.** 186.113 (5) of the statutes is amended to read:

12 186.113 (5) **THIRD-PARTY CHECKS.** Issue ~~third-party~~ 3rd-party checks from an
13 account of a member upon request of the member.

NOTE: Makes spelling consistent with current style and the majority of statutes.

14 **SECTION 105.** 192.71 of the statutes is amended to read:

15 **192.71 Lands may be sold; proceedings if terms of grant not complied**
16 **with.** Any railroad corporation upon which any lands granted to this state shall have
17 been conferred to aid in the construction of any railroad may sell, assign and transfer
18 the lands so conferred upon it or any portion thereof to any other railroad corporation
19 which shall by law have the right to construct a railroad along and upon the line or
20 any portion of the line upon which such lands are applicable under the grant of this
21 state, upon such terms and conditions as it shall fix; provided, that the corporation
22 receiving such lands shall be bound to construct the part of the line of railroad, to aid

1 in the construction of which the lands were granted to this state, to which the
2 assigned lands are applicable according to the terms of the grant by congress, and
3 to comply fully with all conditions and requirements contained in the act in and by
4 which the state conferred said lands upon said corporation. The terms and
5 conditions of every such transfer shall be embodied in an agreement in writing,
6 which shall be recorded with the department of financial institutions; and provided
7 further, that no such transfer or assignment shall be of any force or effect until
8 two-thirds of the full-paid stockholders of the corporation making the same shall
9 have assented in writing thereto and until such assent shall have been filed with the
10 department of financial institutions. Whenever any grant of lands shall have been
11 or shall hereafter be made to any corporation to aid in the construction of a railroad
12 upon condition that such road or any portion thereof shall be completed within the
13 period of time or times fixed or limited by the act or acts making such grant or grants
14 or by any act or acts amendatory thereof, and such corporation shall have failed or
15 shall hereafter fail to complete such railroad or any part or portions thereof within
16 the time or times fixed or limited by such act or acts, it shall be the duty of the
17 attorney general of the state to immediately institute, if the legislature shall not
18 have revoked said grant, proceedings against such corporation in the supreme court
19 of the state to ascertain judicially the facts in the premises, and if it shall appear that
20 such corporation has failed to complete its railway or any portion thereof within the
21 time limited by said act or acts, or has otherwise committed a breach of the condition
22 or conditions upon which said grant was conferred upon it, or of the requirements of
23 said act, judgment shall be entered in behalf of the state forfeiting, vacating and
24 setting aside such grant or grants and annulling all rights and interest of such
25 corporation in and to all lands granted to it and not fully earned and restoring such